



IT IS ORDERED

Date Entered on Docket: May 17, 2018

The Honorable Robert H Jacobvitz
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re: SJE, INC., a New Mexico Corporation,
d/b/a Roto-Rooter,

Debtor.

Case No. 17-11198-ja11
Chapter 11

In re: JANS, INC., a New Mexico Corporation,
d/b/a Cartwright's Plumbing,

Debtor.

Case No. 17-11269-ja11
Chapter 11
(Jointly Administered)

ORDER GRANTING DEBTOR IN POSSESSION'S
SECOND MOTION TO SCRAP VEHICLE

This matter came before the Court upon the Debtor in Possession, JANS, Inc., a New Mexico Corporation d/b/a Cartwright's Plumbing (the "**Debtor's**") *Second Motion to Scrap Vehicle*, filed March 23, 2018 (Docket No. 139) (the "**Second Motion**"). Having considered the Motion and the record, and the requirements set forth in the Bankruptcy Code and Bankruptcy Rules, and being otherwise sufficiently advised;

THE COURT FINDS:

A. On May 18, 2017 (the "**Petition Date**"), the Debtor commenced the above-captioned case by filing a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.

Pursuant to Bankruptcy Code §§ 1107(a) and 1108, Debtor has retained possession of its assets as Debtor in Possession;

B. On July 12, 2017, this Court entered an *Order Authorizing Joint Administration of Related Chapter 11 Cases for Procedural Purposes* (Doc. 58 in Case No. 17-11198 and Doc. 56 in Case No. 17-11269), commencing joint administration of this bankruptcy case and Debtors affiliate SJE, INC., d/b/a Roto Rooter's related chapter 11 cases;

C. On July 7, 2017, the Debtor filed its *Motion to Scrap Vehicles* (No. 49 in Case No. 17-11269) (the "**First Motion**"). On August 14, 2017, this Court entered an *Order Granting Debtors' Motions to Scrap Vehicles* (Case No. 17-11198-j11, Doc. No. 91), authorizing the Debtor to scrap and recycle the vehicles listed in the motion with Mr. G's Recycling (the "**First Order**");

D. Following entry of the First Order, the Debtor identified a 2011 Ford Econoline E150 Van, VIN# 1FTNE1EW8BDA85692 (the "**Vehicle**") damaged in an accident pre-petition that was not included in the First Motion and not listed in Debtors bankruptcy schedules. In its current condition, the Vehicle is beyond repair and estimated to have a scrap value of \$100.00. The Debtor is not aware of any liens on any the Vehicle. The Vehicle was involved in a pre-petition auto wreck and title had been transferred to Hallmark Insurance. However, the Debtor has contacted Hallmark Insurance, who declined to return the title but also did not want the Vehicle back. Scrapping the Vehicle is therefore the most efficient way to dispose of the Vehicle;

E. By the Second Motion, the Debtor seeks authority from the Court to scrap and recycle the Vehicle with Mr. G's Recycling in exchange for the aggregate value of the scrapped material totaling \$100.00;

F. On March 23, 2018, the Debtor served notice of filing the Second Motion (the "**Notice**"), pursuant to Bankruptcy Rules 9019 and 2002, to all creditors and other parties in

interest as shown on the limited mailing matrix maintained by the Court, specifying an objection period of twenty-one (21) days from the date of mailing, plus (3) days based upon service by mail, for a total of twenty-four (24) days;

G. On March 23, 2018, the Debtor filed the Notice with the Court (Docket No. 140);

H. The Notice was appropriate in the particular circumstances;

I. The objection deadline, including three days added under Bankruptcy Rule 9006(f), expired on or before April 16, 2018;

J. No objections to the Second Motion were filed, timely or otherwise;

K. The Second Motion is well taken and should be granted as provided herein; and

L. Recycling the Vehicle for the value of the scrapped material is fair and equitable, and in the best interest of and beneficial to the Debtor's estate and creditors and should be approved.

IT IS HEREBY ORDERED that the Debtor is authorized to scrap and recycle the Vehicle without further notice to creditors, with Mr. G's Recycling in exchange for the aggregate value of the scrapped material totaling \$100.00.

####END OF ORDER####

Submitted by:

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s/ submitted electronically

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